

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4955 of 1981

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

V.V.PAREKH

Versus

STATE OF GUJARAT

Appearance:

MR DV MEHTA for Petitioner

MUKESH PATEL for Respondent No.1,2

None present for other Respondent

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 26/08/96

ORAL JUDGMENT

Heard learned counsel for the parties. The petitioner prays for the direction to the respondent to give him deemed date of promotion, i.e. 16th June 1981 to the post of Deputy Commissioner of Industries with all other consequential benefits. Further prayer has been made by the petitioner that in the annexure 'B', in column 3 thereof, the correct date of petitioner be taken

to be 16.1.73 as the date of joining on the post of Industries Officer.

2. I have gone through the contents of annexure 'B' and it is a tentative seniority list of Industries Officer, in which the position is shown as on 1.8.77. The seniority has been assigned to the petitioner by taking it to be a regular promotion from 1st May 1975. The other two persons were promoted on 13.12.73 and 15.8.74 on the regular basis. The promotion of the respondents No.3 and 4 made in the year 1973 and 1974 has not been challenged by the petitioner. In view of these facts, the claim of the petitioner for the seniority above those two persons in the year 1981 is highly unjustified. The petitioner has raised this question only when those two persons were given promotion on the next higher post. The petitioner has been given promotion on the post of Dy. Commissioner, but his claim for deemed date of promotion cannot be accepted as those two persons were senior to him in the lower post category.

3. Taking into consideration the totality of the facts of the case, I do not find any substance in this writ petition and the same is therefore dismissed. Rule is discharged. No order as to costs.

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(sunil)